

**U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641**

## **DETERMINATION OF NEPA ADEQUACY (DNA)**

NUMBER: DOI-BLM-CO-N05-2014-0101-DNA

PROJECT NAME: Western Outdoor Adventures, LLC- Big Game Special Recreation Permit

LEGAL DESCRIPTION: T2S, R95W  
T3S, R95W

APPLICANT: Jeffrey Musgrave and Shey Wangnild

ISSUES AND CONCERNS:

DESCRIPTION OF PROPOSED ACTION: Jeffery Musgrave and Shey Wangnild doing business as Western Outdoor Adventures, LLC (WOA) has applied for Special Recreation Permit (SRP) to conduct commercial guiding and outfitting for big game hunters on BLM lands within the White River Field Office (WRFO) (see Figure 1). The actions to be taken are the issuance of a new SPR for WOA. The intended period of use would be from the beginning of big game archery season through all rifle hunting seasons (1<sup>st</sup>-late cow elk hunt), generally late-August through December of each year.

WOA is estimating approximately 80 client user days throughout all the hunting seasons. No temporary facilities are proposed at this time. No drop camps will be authorized with the issuance of this permit at this time. It is anticipated that all of this hunting will take place on public lands. All use will be casual and dispersed in nature within the permitted areas only. Transportation that is planned to be used during the commercial operations includes full-sized motor vehicles and all-terrain vehicles as well as horses. All motorized vehicles will be limited to existing routes only. The applicant or listed guides will be with clients at all times if horses are used. The applicant or listed guides will be the only individuals that pack equipment or harvested animals. All use will be day use only.

Design Features:

1. All commercial use of Public Lands will comply with the current version of the BLM Colorado Special Recreation Permits, Conditions and Stipulations for all permitted activities (Attachment 1).

2. When working on lands administered by the BLM WRFO, notify Craig Interagency Dispatch (970-826-5037) in the event of any fire. The reporting party will inform the dispatch center of fire location, size, status, smoke color, aspect, fuel type, and provide their contact information. The reporting party, or a representative of, should remain nearby, in a safe location, in order to make contact with incoming fire resources to expedite actions taken towards an appropriate management response. The applicant will not engage in any fire suppression activities outside the approved project area. Accidental ignitions will be suppressed by the applicant only if safety is not endangered and if the fire can be safely contained using hand tools and portable hand pumps. If chemical fire extinguishers are used the applicant must notify incoming fire resources on extinguisher type and the location of use. Natural ignitions caused by lightning will be managed by Federal fire personnel. The use of heavy equipment for fire suppression is prohibited, unless authorized by the Field Office Manager.
3. Grazing permittees will be notified by a BLM Rangeland Specialist if commercial SRPs or filming permits are authorized or proposed in their permitted grazing allotment.

Decision to be Made: The BLM will decide whether or not to issue the new SRP to WRA for commercial guiding and outfitting for big game hunting, and if so, under what terms and conditions.

PLAN CONFORMANCE REVIEW:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Page 2-43

Decision Language: "Special recreation permits (SRPs) will be issued to qualified guides and outfitters based on need and demand for services."

REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the Proposed Action.

Name of Document: White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

Date Approved: June 1996

Name of Document: Special Recreation Permits within the WRFO Involving Special Areas, More than 14 Days Consecutive Use, and/or Staging Areas Greater than Three Acres (DOI-BLM-CO-N05-2014-0057-EA)

Date Approved: July 31, 2014

NEPA ADEQUACY CRITERIA:

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document? If there are differences, can you explain why they are not substantial?

*Documentation of answer and explanation:* The new Proposed Action is essentially similar to the selected alternative analyzed in the EA: DOI-BLM-CO-N05-2014-0057-EA. It is within the same analysis area and there are no substantial differences.

2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?

*Documentation of answer and explanation:* Two alternatives (Proposed Action and No Action Alternative) were analyzed in EA: DOI-BLM-CO-N05-2014-0057-EA. No reasons were identified to analyze additional alternatives and these alternatives are considered to be adequate and valid for the Proposed Action.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action?

*Documentation of answer and explanation:* Additional projects have been analyzed in the area but no known changes in circumstances or information have been found, thus the original analysis is still valid. Please see the comments below regarding cultural resources, wild horses, and threatened and endangered wildlife and plants species for further discussion.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

*Documentation of answer and explanation:* The direct, indirect, and cumulative effects that could result from implementing this Proposed Action would still remain similar to EA: DOI-BLM-CO-N05-2014-0057-EA.

5. Is the public involvement and interagency review associated with existing NEPA documents adequate for the current Proposed Action?

*Documentation of answer and explanation:* A copy of the completed DNA will also be posted to the online NEPA register. All existing SRP holders that have permitted operating areas that overlap with this proposal were sent a copy of this DNA. No comments were received.

**INTERDISCIPLINARY REVIEW:**

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 06/17/2014. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	6/23/2014
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	07/01/2014
Justina Thorsen	Acting Ecologist	Special Status Plant Species	6/25/2014

**REMARKS:**

*Cultural Resources:* Though there is no planned ground disturbance from drop camps or blind construction there is always a slight potential for unauthorized artifact collection with increased human activity in the area. Should any artifact collection occur during permitted activities it would represent a permanent, long term, irreversible and irretrievable loss of a portion of the regional archaeological database.

While it is nearly impossible to predict where such activities might occur any locations where horses are picketed during hunting activities, especially when soil is moist, there is a potential for impacts to previously unidentified cultural resources. Potential impacts include trampling of artifacts and surface features causing vertical dislocation of artifacts or features. In particularly muddy situations mud adhering to horse hooves could also horizontally dislocate smaller artifacts that are embedded in the mud. Such losses would cause a permanent, long term, irreversible and irretrievable loss of data from the regional archaeological database. Mitigation measures for these circumstances are difficult to identify.

*Native American Religious Concerns:* No Native American religious concerns are known in the area, and none have been noted by Northern Ute Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

*Threatened and Endangered Wildlife Species:* Off-road use of motorized vehicles has the potential to adversely impact vegetation which provides forage and cover resources for local wildlife species. Additionally, unnecessary off-road travel can behaviorally influence

(disrupt/disperse) and potentially injure or kill certain wildlife species. As such, all vehicle use should be confined to existing routes.

*Threatened and Endangered Plant Species:* BLM sensitive species *Lesquerella parviflora* (Piceance bladderpod) does exist within T2S, R95W sections 3, 5, 11, 12, and 26. Trampling of plants by people or horses is a possibility, although unlikely, due to the casual and dispersed nature of the proposed hunting activity. Use of motorized vehicles off road and off trail has a higher potential to cause a negative impact, therefore, all motorized vehicle use should be confined to existing routes. The proposed action will occur outside of the blooming season, minimizing the potential for impact to seed production activities. There should be no measurable impact upon special status plant species associated with the proposed action.

#### MITIGATION:

The following applicable mitigation from EA: DOI-BLM-CO-N05-2014-0057-EA has been carried forward:

Standard cultural and paleontological resources mitigation includes the following:

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the applicant must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The applicant is responsible for informing all persons who are associated with commercial operations that they will be subject to prosecution for disturbing or collecting vertebrate vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands. If any paleontological resources are discovered as a result of

operations under this authorization, the applicant must immediately contact the appropriate BLM representative.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff before, during, and after the permitted seasons. The applicants will be placed on a probationary status for a minimum of two consecutive years prior to the conversion of the permits to a five year status. Annual reviews will be conducted of each applicant's operations to insure compliance with the agreed upon terms, stipulations, and conditions of the permit. WRFO recreation staff and law enforcement personnel will also conduct periodic, random on-site inspections of each permittee's operations to insure compliance. The issuance of these permits is discretionary and can be revoked by the WRFO Authorized Officer at any time.

NAME OF PREPARER: Aaron Grimes, Outdoor Recreation Planner

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of the NEPA.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

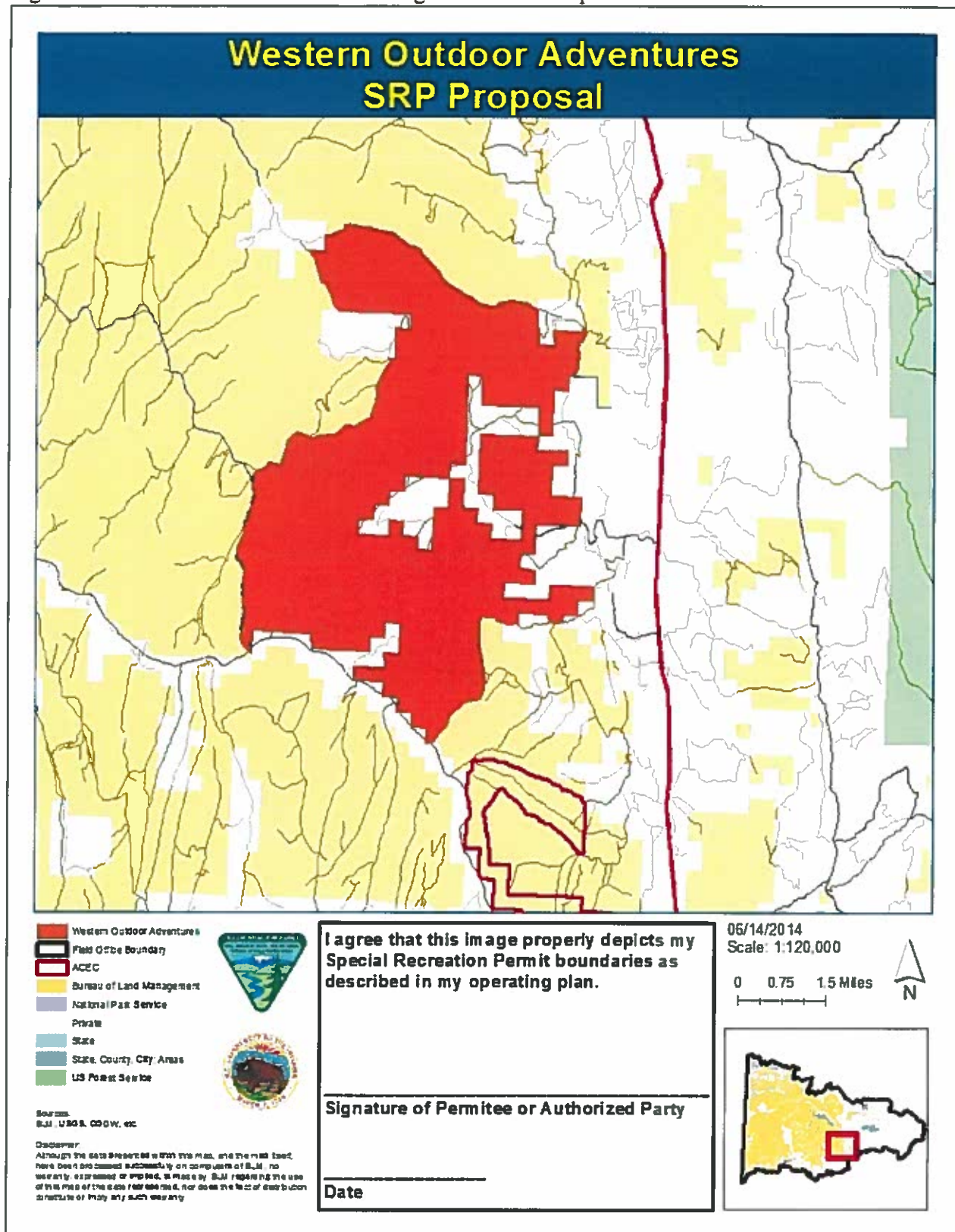
DATE SIGNED:

08/07/2014

ATTACHMENTS:

Figure 1-Western Outdoor Adventures Big Game SRP Proposal

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Note: The signed Conclusion in this DNA Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.



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**DECISION RECORD**

**PROJECT NAME:** White River Adventures, LLC- Big Game Special Recreation Permit

**DETERMINATION OF NEPA ADEQUACY NUMBER:** DOI-BLM-CO-N05-2014-0101-DNA

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-N05-2014-0101-DNA, authorizing the issuance of a Special Recreation Permit to Jeff Musgrave and Shey Wangnild doing business as Western Outdoor Adventures, LLC.

**Mitigation Measures**

The following applicable mitigation from EA: DOI-BLM-CO-N05-2014-0057-EA has been carried forward:

Standard cultural and paleontological resources mitigation includes the following:

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
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10.4(c) and (d), the applicant must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

4. The applicant is responsible for informing all persons who are associated with commercial operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands. If any paleontological resources are discovered as a result of operations under this authorization, the applicant must immediately contact the appropriate BLM representative.

#### **COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN**

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

#### **PUBLIC INVOLVEMENT**

A copy of the completed Documentation of NEPA Adequacy will also be posted on online NEPA register.

#### **RATIONALE**

The proposal for issuing this Special Recreation Permit conforms to the land use plan and the NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

#### **ADMINISTRATIVE REMEDIES**

##### **Process for Appeals**

An appeal is an opportunity for a qualified party to obtain a review of a BLM decision by an independent board of Administrative judges within the Department of Interior's Board of Land Appeals (IBLA). The IBLA determines whether the BLM followed applicable laws and regulations, adhered to established policies and procedures, and considered relevant information in reaching a decision.

Individuals, who believe they are adversely affected by a BLM decision to deny, modify or cancel a Special Recreation Permit (SRP) may appeal the decision. Appeals are made to the IBLA under Title 43 C.F.R., Part 4, pursuant to 43 C.F.R. §4.411. A person who wishes to appeal to the IBLA must file in the office of the officer who made the decision a notice that he wishes to appeal. "Information on Taking Appeals to the Board of Land Appeals" is enclosed for your convenience.

**SIGNATURE OF AUTHORIZED OFFICIAL:**



Field Manager

**DATE SIGNED:**

08/07/2014